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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,292	06/30/2003	Marcelo Gomes de Oliveira	2003P04482US	2973
7590 06/01/2007 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/611,292	GOMES DE OLIVEIRA, MARCELO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramy M. Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                            | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Status of Claims*

1. This action is responsive to application filed on June 30, 2003. Claims 1-21 are pending examination.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2,3,7,12,17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims contain undefined terms which render the claims indefinite. The following terms are undefined: CurrentNbChannel, urrentCPUUtil, NbChannel, MaxCPUUtil.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**5. Claims 1-21 rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al (US Patent No 6,976,055).**

6. In reference to claim 1, Shaffer teaches a method for selecting a media processor to host a new conference, comprising:

receiving an indication of a need for a media processor for a new conference (column 8 lines 62-67);

determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported (column 8 line 64 – column 9 line 10); and

determining one of said plurality of media processors to said host new conference based, at least in part, on said number of additional participants that each of said plurality of media processors can support (column 8 line 64 – column 9 line 13 and column 9 lines 37-67).

7. In reference to claim 2, Shaffer teaches the method of claim 1, wherein said determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported, includes determining a CurrentNbChannels value and a CurrentCPUUtil value for each of said plurality of media processors (column 8 line 64 – column 9 line 13 and column 9 lines 37-67).

8. In reference to claim 3, Shaffer teaches the method of claim 2, wherein said determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported, includes determining a NbChannels value for each of said plurality of media processors (column 8 line 64 – column 9 line 13).

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9. In reference to claim 4, Shaffer teaches the method of claim 1, wherein said receiving an indication of a need for a media processor for a new conference includes receiving a request for allocation of a media processor for said new conference (column 8 lines 62-67).

10. In reference to claim 5, Shaffer teaches the method of claim 1, further comprising: providing data indicative of said one of said plurality of media processors (column 8 line 64 – column 9 line 13).

11. In reference to claim 6, Shaffer teaches the method of claim 1, further comprising: allocating said one of said plurality of media processors to host said new conference (column 8 line 64 – column 9 line 13).

12. In reference to claim 7, Shaffer teaches the method of claim 1, further comprising: determining a MaxCPUUtil value associated with said plurality of media processors (column 8 line 64 – column 9 line 13).

13. In reference to claim 8, Shaffer teaches a method for selecting a media processor to host a new conference, comprising:

receiving an indication of a need for a media processor for a new conference (column 8 lines 62-67);

determining, for each of a plurality of media processors under the control of a multipoint controller, a current number of conference participants and a current CPU utilization (column 8 line 64 – column 9 line 13); and

determining one of said plurality of media processors to host said new conference based, at least in part, on said current number of conference participants and current CPU utilization for

each of said plurality of media processors (column 8 line 64 – column 9 line 13 and column 9 lines 37-67).

14. In reference to claim 9, Shaffer teaches the method of claim 8, wherein said determining one of said plurality of media processors to host said new conference includes selecting one of said plurality of media processors based on each of said plurality of media processors ability to support participants in said new conference (column 8 line 64 – column 9 line 13).

15. In reference to claim 10, Shaffer teaches the method of claim 8, wherein said determining one of said plurality of media processors to host said new conference includes selecting one of said plurality of media processors that can support a highest number of participants in said new conference (column 8 line 64 – column 9 line 13).

16. In reference to claim 11, Shaffer teaches the method of claim 8, wherein said determining one of said plurality of media processors to host said new conference includes determining a number of new participants that can be supported by each of said plurality of media processors (column 8 line 64 – column 9 line 13).

17. In reference to claim 12, Shaffer teaches the method of claim 11, wherein said determining a number of new participants that can be supported by each of said plurality of media processors includes determining a NbChannels value for each of said plurality of media processors (column 8 line 64 – column 9 line 13 and column 9 lines 37-67).

18. In reference to claims 13-20, claims 13-20 are system claims that correspond to the method claims of claims 1-12. Therefore, claims 13-20 are rejected based upon the same rationale as used to reject claims 1-12.

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19. In reference to claim 21, claim 21 is an article of manufacture claims that corresponds to the method of claim 1. Therefore, claim 21 is rejected based upon the same rationale as used to reject claim 1.

### *Conclusion*

20. The claims have been given their broadest reasonable interpretation. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO

May 22, 2007

  
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